

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GORDON D. MCDONALD,

Defendant.

Crim. Action No. 09-656 (SDW)

**ORDER**

June 15, 2020

**WIGENTON**, District Judge.

The Court is in receipt of the parties' submissions related to Gordon D. McDonald's ("Defendant") motion for Compassionate Release under the First Step Act, 18 U.S.C. § 3582(c)(1)(A). (*See* D.E. 406.). The Court's review of the Government's opposition and supporting exhibits (*see* D.E. 408, 408-1, 408-2, 408-3, 408-4, 408-5, 408-6, 408-7, 408-8, 408-9) reflects that no certification or affidavit has been provided to support the extent of any specific protocols and procedures in place at the Defendant's facility, FMC Lexington, to combat the spread of COVID-19 among the inmate population. Accordingly,

IT IS on this 15th day of June, 2020,

**ORDERED** that the Government shall provide a certification or affidavit that states the specific measures in place at FMC Lexington to prevent the spread of COVID-19 among the inmate population, including but not limited to: quarantining inmates infected with, symptomatic of, or exposed to the COVID-19 virus; facility-wide cleaning protocols; social distancing policies for inmates; the existence or frequency of inmate health evaluations and access to healthcare;

visitation procedures for inmates' families and attorneys; newly admitted inmate protocol; and the use of personal protective equipment by inmates and/or staff;<sup>1</sup> and it is further

**ORDERED** that the Government's certification or affidavit shall include the most up-to-date number of active and confirmed COVID-19 cases among the inmate population and staff at FMC Lexington, and, to the extent available, the specific number of active and confirmed cases in the F-4 Unit where Defendant resides; and it is further

**ORDERED** that in the same or separate certification or affidavit, the Government shall state the current status of Defendant's detention, including his room occupancy in the F-4 Unit, and whether and to what extent Defendant is being monitored for COVID-19; and it is further

**ORDERED** that the Government shall provide the requested supplemental certifications and/or affidavits within 10 days of the date of this Order.

**SO ORDERED.**

/s/ Susan D. Wigenton  
**SUSAN D. WIGENTON, U.S.D.J.**

Orig: Clerk  
cc: Parties

---

<sup>1</sup> To the extent FMC Lexington has different preventative procedures in its F-4 Unit, where Defendant currently resides, the Government shall clearly state COVID-19 protocol applicable in the F-4 Unit.